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10/721,435

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Vampo Cosimo

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EXAMINER

NEWAY, SAMUEL G

ART UNIT

PAPER NUMBER

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/721,435

Applicant(s)

COSIMO ET AL.

Examiner

Samuel G. Neway

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-14 and 16-20 is/are rejected.
- 7) ☐ Claim(s) 15 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This is in response to the Appeal Brief filed on 16 May 2007.
2. Claims 1 – 6, and 8 – 21 are pending and are considered below.

#### ***Response to Appeal Brief***

3. The Claim Objections of the last Office Action is withdrawn.
4. The 35 USC § 112 rejections of the last Office Action are withdrawn.
5. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

#### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1 – 6, and 8 – 21 have been considered but are moot in view of the new ground(s) of rejection (see below).

#### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1 – 4, 6, 8 – 13, and 16 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Endejan (USPGPub 2002/0184611) in view of Storisteneau (CA 2256931).

Claims 1, and 9 - 13:

Endejan discloses a method, a system, and a medium of editing program code on a data processing system, the program code being suitable for subsequent processing (Abstract), wherein the method includes the steps of:

defining at least one portion of the program code, selecting at least one defined portion, and automatically disabling the at least one selected portion, the at least one disabled portion being excluded from the subsequent processing ("system 10 is configured to automatically switch the display format of active code segment 36 to an inactive display format "[0029]).

Endejan discloses using different displays for the active and inactive portions of the source code ([0021]). However it does not explicitly disclose compressing a representation of a selected portion in a visual representation of the program code.

Storisteneau discloses a similar source code editing method compressing a representation of a first defined portion in a visual representation of the program code ("nodes of the graph represent sub-component of components of the program", page 3, lines 15-17, figs. 1, 2).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the compression feature in Storisteneau method to compress the inactive portions in Endejan's method in order to improve graphical representation of source code and enhance program comprehension (Storisteneau, page 2, lines 25-27). Endejan discloses using a different display format for the inactive portions compared to the format of the active portions, it would have been obvious to compress selected

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portions of the program code, an old and well known feature in the computing arts as evidenced by Storisteneau, instead of displaying them differently.

Claim 2:

Endejan and Storisteneau disclose the method according to claim 1, Endejan also discloses selecting at least one previously disabled portion, and automatically re-enabling the at least one selected previously disabled portion (“... from the inactive display format to the active display format...” [0029]).

Claim 3:

Endejan and Storisteneau disclose the method according to claim 2, Endejan also discloses the step of:

assigning each defined portion to a category of a set including at least one category ([0019]),

the step of selecting the first defined portion and the step of selecting the at least one previously disabled portion including selecting at least one category ([0029]).

Claim 4:

Endejan and Storisteneau disclose the method according to claim 3, Endejan also discloses the set including at least one category for service instructions ([0019]).

Claim 6:

Endejan and Storisteneau disclose the method according to claim 1, Endejan further discloses defining portions by enclosing these portions between comment signs ([0019]).

Claim 8:

Endejan and Storisteneau disclose the method according to claim 1, Endejan also discloses further including the steps of: updating the program code by removing the first defined portion, and storing the updated program code ("strip out this "dead code" from the resulting output files or executable code to reduce code size", [0024]).

Claims 16, 17:

Endejan and Storisteneau disclose the method of claim 1, but Endejan does not explicitly disclose compressing the representation of the first defined portion.

Storisteneau discloses where compressing the representation of the first defined portion in the visual representation of the program code comprises: replacing a visual representation of the content of the first defined portion with an identifier of the first defined portion, the identifier indicating a position in the program code where the first defined portion was present but not containing contents of the first defined portion; and inserting, into the visual representation of the program code, a compression identifier in association with the identifier of the first defined portion, the compression identifier indicating that the first defined portion has been compressed ("minimized ... ", page 16, line 25, figs. 2-3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the compression feature as claimed in the instant claims in Endejan's method in order to improve graphical representation of source code and enhance program comprehension (Storisteneau, page 2, lines 25-27).

Claims 18, 19:

Endejan and Storisteneau disclose the method of claim 1, but Endejan does not explicitly disclose wherein at least one of the at least two portions of the program code has an associated level, and wherein selecting a first defined portion of the at least two portions of the program code comprises receiving an input specifying a level such that portions of program code equal to or above the specified level are visually represented in the visual representation of the program code, and wherein portions of the program code that are not equal to or above the specified level are automatically compressed in the visual representation of the program code such that they are not visible

Storisteneau discloses wherein at least one of the at least two portions of the program code has an associated level ("hierarchical relationship between source code", page 4, lines 1-5), and wherein selecting a first defined portion of the at least two portions of the program code comprises receiving an input specifying a level such that portions of program code equal to or above the specified level are visually represented in the visual representation of the program code, and wherein portions of the program code that are not equal to or above the specified level are automatically compressed in the visual representation of the program code such that they are not visible ("a list of other components which call on a component associated with a source node 54 which can be opened for editing from a pop-up menu", page 7, lines 1-5, figs. 2-3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the compression feature as claimed in the instant claims in Endejan's method in order to improve graphical representation of source code and enhance program comprehension (Storisteneau, page 2, lines 25-27).

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Claim 20:

Endejan and Storisteneau disclose the method of claim 1, Endejan further discloses wherein only active portions of the program code are stored in a compressed version of the program code ("strip out this "dead code" from the resulting output files or executable code to reduce code size", [0024]). Note that these active portions are visible in the visual representation of the program code while the inactive portions have been compressed as shown in claim 1.

9. Claims 6 and 14 – 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Endejan (USPGPub 2002/0184611) in view of Storisteneau (CA 2256931) and in further view of Chenier (USPGPub 2004/0003383).

Claim 5:

Endejan and Storisteneau disclose the method according to claim 2, but they do not explicitly disclose disabling a selected portion by converting each corresponding instruction into a comment.

Chenier, in a similar source code processing method, discloses the step of automatically disabling the first selected portion including converting each corresponding instruction into a comment ("replace the command with a comment", [0033])

It would have been obvious to one with ordinary skill in the art at the time of the invention to render Endejan portions inactive by converting active portions into comments because comments are not processed when the code is run.



Endejan further discloses selecting at least one previously disabled portion, and automatically re-enabling the at least one selected previously disabled portion ("... from the inactive display format to the active display format...", paragraph 29).

Claim 14:

Endejan and Storisteneau disclose the method of claim 1, but they do not explicitly disclose disabling a service instruction by converting it into a comment.

Chenier discloses a method where the first defined portion is a service instruction portion, and where disabling the service instruction portion comprises automatically converting the service instructions in the service instruction portion to comments in the program code by inserting comment tags in association with the service instructions. ("...replace the command with comments", paragraph 33).

It would have been obvious to one with ordinary skill in the art at the time of the invention to render Endejan portions inactive by converting active portions into comments because comments are not processed when the code is run.

***Allowable Subject Matter***

10. Claims 15 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel G. Neway whose telephone number is 571-270-1058. The examiner can normally be reached on Monday - Friday 8:30AM - 5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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